

**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

FRED L. NANCE, JR.,

Plaintiff,

v.

EMAGES, INC.,  
HATTIE WASH, and  
THOMAS BRADLEY,

Defendants.

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No. 20 C 6316

Judge Jorge L. Alonso

**ORDER**

Plaintiff's motion [66] to stay is denied. The Court extends to July 30, 2021 plaintiff's deadline to file an amended complaint against Hattie Wash, EMAGES, Inc. and Thomas Bradley. Defendants' deadline to answer or otherwise plead is extended to August 27, 2021.

**STATEMENT**

Plaintiff has filed a motion requesting that the Court stay this case. Plaintiff notes that he has filed an administrative proceeding with the Department of Justice under the Federal Tort Claims Act. Plaintiff states that if "resolution is not achieved between plaintiff and the DOJ, plaintiff will amend his original complaint to include both DOJ and the private defendants because plaintiff will have provided a final decision from the Department of Justice, Office of Special Counsel to this court." [Docket 66 ¶ 13]. In the meantime, plaintiff would like his case against the private defendants (Hattie Wash, EMAGES, Inc. and Thomas Bradley) stayed.

The Court will not allow a stay. The Court notes that plaintiff may not realize he cannot amend his complaint against the government in this case. A plaintiff must exhaust administrative remedies *before* filing suit. A suit filed before a plaintiff exhausts must be dismissed, even if the plaintiff exhausts after filing suit. *McNeil v. United States*, 508 U.S. 106 (1993). Accordingly, this case is over with respect to the government defendants.

What remains of this case is plaintiff's option to proceed against the private defendants, should he so choose, by filing an amended complaint. Plaintiff, of course, is not required to pursue those claims; he could dismiss them. If plaintiff wants to pursue those claims, then this case must keep moving forward. The Court will not stay this case while plaintiff pursues his administrative remedies against the government.

Plaintiff's amended complaint against Hattie Wash, EMAGES, Inc. and Thomas Bradley is currently due July 9, 2021. The Court hereby extends that deadline by 21 days to give plaintiff

additional time to decide whether to pursue those claims against the private defendants. Defendants' deadline to answer or otherwise plead is extended to August 27, 2021.

SO ORDERED.

ENTERED: June 15, 2021

A handwritten signature in black ink, consisting of a large, loopy 'J' followed by a stylized 'A' and a period.

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JORGE L. ALONSO  
United States District Judge